

### **REMARKS/ARGUMENTS**

The Office Action of March 15, 2011, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 7, 8, 14, 15, and 17-19 have been amended, claims 6, 13, and 16 have been canceled without prejudice or disclaimer, and no new claims have been added. Claims 1-5, 7-12, 14, 15, and 17-20 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under 35 U.S.C. § 103***

Claims 18 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. Pub. No.2004/0255333, hereinafter Kenworthy, in view of U.S. Pat. No. 7,549,160, hereinafter Poder. Claims 1-17 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. Pub. No.2004/0255333, hereinafter Kenworthy, in view of U.S. Pat. No. 7,549,160, hereinafter Poder and further in view of U.S. Pat. Pub. No. 2006/0041921, hereinafter Hane. Applicants request reconsideration in view of the present amendment.

Independent claim 1 has been amended to recite, inter alia, “providing the specific content item to the user via the VOD platform only when the user is in the same local area as that in which the specific content item was generated.” None of the cited references teach or suggest such a feature. Insofar as any of the cited references may teach or suggest video on demand services, none of the references teach or suggest restricting access to content only when the user is in the same local area as that in which the specific content item was generated, as claimed. Claim 1 is therefore allowable over the art of record in this case. Independent claims 8, 15, 18, and 19 have been similarly amended and are therefore allowable at least for similar reasons as claim 1.

Dependent claims 2-5, 7, 9-12, 14, 17 and 20 are allowable at least based on the allowability of their respective base claims, and further in view of the additional features recited therein, because the combination of cited references do not cure the aforementioned deficiencies discussed with the respect to the independent claims.

In addition, dependent claims 7 and 14 have been amended to recite, inter alia, that “distribution via the HSD platform of locally produced PEG programming content is restricted to

users in the local area in which the locally produced PEG programming was generated.” Such a feature is not taught or suggested by the cited references. Indeed, insofar as the cited references may describe high speed data content (a point which Applicant does not concede), the cited references still do not teach or suggest that the locally produced PEG programming content is restricted to users in the local area in which the locally produced PEG programming was generated, as claimed. Claims 7 and 14 are thus further allowable on this additional basis.

### **CONCLUSION**

All issues having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

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